

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 41

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PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ALEXANDER CONRAD
and
CHARLES BELL

Appeal No. 2002-1508
Application No. 08/421,810

ORDER REMANDING TO EXAMINER

On April 3, 2000, appellants filed an amendment to claim 72 and requested cancellation of claims 78, 81, 88, 91, 98 and 101. It is noted that the language of claim 72 in the Appendix to the Appeal Brief filed February 8, 2001 (Paper No. 36) differs from its last amended version. 37 CFR

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§ 1.192(c)(9) (2000) requires that the Appendix to the Appeal Brief contain a correct copy of the claims involved in the appeal.

Accordingly, it is

ORDERED that the application is remanded to the examiner to notify appellants to submit a new Appendix which includes a correct copy of claim 72, or for the examiner to issue a supplemental Examiner's Answer to officially correct claim 72, and for any further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

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